

STATE OF SOUTH CAROLINA

(Caption of Case)

Petition to Establish Docket to Consider
Implementing the Requirements of:

Section 1307 (State Consideration of
Smart Grid) of the Energy
Independence & Security Act of 2007

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

DOCKET

NUMBER: 2008 - 447 - E

(Please type or print)

Submitted by: Catherine E. Heigel

SC Bar Number: 9268

Address: 526 S. Church Street, EC03T

Telephone: 704-382-8123

Charlotte, NC 28202

Fax: 704-382-5690

Other: _____

Email: ceheigel@duke-energy.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition ☐ Request for item to be placed on Commission's Agenda expeditiously

☐ Other: _____

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)		
<input checked="" type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Letter	<input type="checkbox"/> Request
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certification
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigation
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery
<input type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input checked="" type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition
<input type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input type="checkbox"/> Other:
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest	
<input type="checkbox"/> Other:	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit	
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report	

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2008-447-E

IN RE:

Petition to Establish Docket to Consider
Implementing the Requirements of:

Section 1307 (State Consideration of
Smart Grid) of the Energy Independence
& Security Act of 2007

)
)
)
)
)
)
)

PETITION TO INTERVENE

Duke Energy Carolinas, LLC ("Duke Energy Carolinas" or the "Company") hereby petitions the Public Service Commission of South Carolina ("the Commission"), pursuant to Regulation 103-836 and other applicable provisions of the Commission's Rules of Practice and Procedure, for permission to intervene in the above-captioned proceeding. In support of this petition, Duke Energy Carolinas would respectfully show as follows:

1. Duke Energy Carolinas is a corporation organized and existing under the laws of the State of North Carolina and is a public utility subject to the regulatory authority of the Commission pursuant to Title 58 of the Code of Laws of South Carolina. The address for the Company's headquarters is 526 S. Church Street, Charlotte, North Carolina 28202.

2. Duke Energy Carolinas' representatives in this proceeding are as follows:

Catherine E. Heigel, Esq.
Associate General Counsel
Duke Energy Carolinas, LLC
526 S. Church Street, EC03T

Charlotte, North Carolina 28202
Telephone: (704) 382-8123
Fax: (704) 382-5690
Email: ceheigel@duke-energy.com

Lawrence B. Somers, Esq.
Associate General Counsel
Duke Energy Carolinas, LLC
526 S. Church Street, EC03T
Charlotte, North Carolina 28202
Telephone: (704) 382-8142
Fax: (704) 382-5690
Email: lbsomers@duke-energy.com

3. On December 11, 2008, the South Carolina Office of Regulatory Staff ("ORS") filed with the Commission a *Petition to Establish Docket to Consider Implementing the Requirements of Section 1307 (State Consideration of Smart Grid) of the Energy Independence & Security Act of 2007* ("ORS' Petition").

4. Thereafter, the Commission established Docket No. 2008-447-E styled a referenced hereinabove.

5. Duke Energy Carolinas is an electric utility that generates, transmits and distributes electricity in the state of South Carolina. Because the subject matter of ORS' Petition is directly related to the Company's electric operations, Duke Energy Carolinas has a substantial and material interest in the stated subject matter of the requested proceeding. Therefore, pursuant to Commission Regulation 103-836(A)(3), Duke Energy Carolinas should be permitted to intervene and participate fully in this docket and any hearing that may be scheduled in this matter.

6. The Company has not developed a position in this matter, but reserves the right to modify, amend or expand its position during the course of this proceeding.


7. The Company is informed and believes that granting its request is in the public interest, is consistent with the policies of the Commission in encouraging maximum public participation in issues before it, and should be allowed so that a full and complete record addressing Duke Energy Carolinas' views and concerns can be developed.

WHEREFORE, Duke Energy Carolinas requests that the Commission issue an Order:

- (a) Accepting this Petition to Intervene and making Duke Energy Carolinas a formal party of record to the proceeding;
- (b) Allowing Duke Energy Carolinas to present evidence in this proceeding, conduct cross-examination, and to take such positions as it deems advisable;
- (c) Providing that Duke Energy Carolinas be given copies of all filings, pleadings, testimony, and exhibits in this proceeding; and
- (d) Granting such other and further relief as is just and proper.

Respectfully submitted,

December 30, 2008


Catherine E. Heigel
Associate General Counsel
Duke Energy Carolinas, LLC
526 S. Church Street, EC03T
Charlotte, North Carolina 28202
Tel: 704.382.8123
Email: ceheigel@duke-energy.com

ATTORNEY FOR DUKE ENERGY CAROLINAS

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2008-447-E

In the Matter of:

Petition to Establish Docket to Consider
Implementing the Requirements of:

CERTIFICATE OF SERVICE

Section 1307 (State Consideration of
Smart Grid) of the Energy
Independence & Security Act of 2007

I, Catherine E. Heigel, hereby certify that Duke Energy Carolinas' Petition to Intervene in the above-referenced matter has been served on all parties of record either by hand delivery or by depositing said copy in the United States mail, postage prepaid, addressed as follows this the 30th day of December, 2008:


Nanette S. Edwards, Esq.
Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, South Carolina 29201

Shannon Bowyer Hudson, Esq.,
Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, South Carolina 29201

Len S. Anthony, Esq.
Progress Energy Carolinas, Inc.
Progress Energy Service Company
P.O. Box 1551, PEB 17A4
Raleigh, North Carolina 27602

K. Chad Burgess, Esq.
South Carolina Electric & Gas Company
1426 Main Street, MC 130
Columbia, South Carolina 29201

This the 30th day of December, 2008.


Catherine E. Heigel
Associate General Counsel